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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/877,820

First Named Inventor: Avinash Jain

Filed: June 7, 2001

Examiner: Andrew Chung Cheung Lee

Group Art Unit: 2616

Attorney Docket No.: 010296

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND BASED ON
APPLICANT OVERPAYMENT**

Pursuant to 37 C.F.R. §1.26, it is requested that a refund be granted in the amount of \$510, the amount overpaid on October 22, 2007 for filing a Notice of Appeal in the above-referenced application.

At the time of the filing of the Notice of Appeal on October 10, 2007, Applicants did not pay any filing fee because pursuant to MPEP §1207.04, Applicants are required to pay only one set of appeal fees within the same application. In this case, Applicants paid \$500 on May 1, 2006 for filing of a Notice of Appeal. On February 26, 2007, the application was reopened for prosecution prior to the Board of Patent Appeals and Interferences rendering a decision. In accordance with MPEP §1207.04, the \$500 Notice of Appeal fee paid by Applicants on May 1, 2006 also applies to any subsequent filing of Notice of Appeal within the same application. Thus, Applicants need not pay any fee for the Notice of Appeal filed on October 10, 2007.

Nevertheless, on October 22, 2007, the USPTO charged our Deposit Account No. 17-0026 in the amount of \$510 as the filing fee for the Notice of Appeal filed on October 10, 2007. Accordingly, Applicants respectfully request a refund for the overpayment in the amount of \$510.

It is requested that the refund be deposited to our Deposit Account No. 17-0026.

Respectfully submitted,

Dated: December 12, 2007

By: /Kam T. Tam/

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